

Mississippi Secretary of State

125 S. Congress Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Commission on Environmental Quality Mississippi Department of Environmental Quality		CONTACT PERSON Ted Lampton	TELEPHONE NUMBER 601-961-5573	
ADDRESS P.O. Box 2261		CITY Jackson	STATE MS	ZIP 39225
EMAIL Ted_Lampton@deq.state.ms.us	SUBMIT DATE: 9-5-14	Name or number of rule(s): Mississippi Administrative Code, Title 11, Part 2, Chapter 1, "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants".		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: 1. Amendments to open burning provisions in 11 Miss. Admin. Code, Pt. 2, Ch.1, Rule 1.3.G to allow MDEQ to delegate the regulation of the burning of residential yard waste by individual residential property owners to local governments where the local government has adopted a locally enforceable ordinance that is sufficiently protective of air quality in its jurisdiction. The amendments also create an "Air Quality Action Day" that describes days when air quality data shows that a specific area of the state may be experiencing severely diminished air quality conditions. On these days, all burning of vegetative yard wastes and other types of prescribed open burning will be prohibited. 2. Amendments to adopt, by reference, amendments to Federal New Source Performance Standards in 40 CFR Part 60, Federal National Emission Standards for Hazardous Air Pollutants in 40 CFR Parts 61 and 63, and Federal Consolidated Air Rules in 40 CFR Part 65.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §§49-2-9(1)(b) and 49-17-17 (Rev.2012)

List all rules repealed, amended, or suspended by the proposed rule: 11 Miss. Admin. Code Pt. 2, Ch. 1

ORAL PROCEEDING:

☒ An oral proceeding is scheduled for this rule on: Date: October 8, 2014, Time: 3:00 p.m., Place: Mississippi Department of Environmental Quality, 515 E. Amite St., Jackson, Mississippi 39201

☐ Presently, an oral proceeding is not scheduled on this rule.

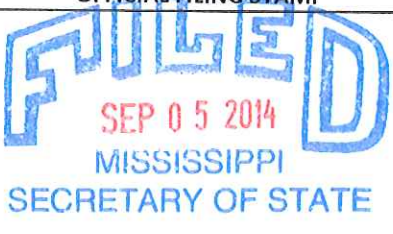
ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <u>X</u> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <u>X</u> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Theodore D. Lampton, III, Senior Attorney

Signature of person authorized to file rules: *Ted Lampton*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____	<div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <u>20758 AF</u>	<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**MISSISSIPPI COMMISSION ON ENVIRONMENTAL QUALITY
NOTICE OF PROPOSED RULEMAKING
NOTICE OF PUBLIC HEARING**

**PUBLIC NOTICE START DATE: SEPTEMBER 8, 2014
DEADLINE FOR COMMENTS: OCTOBER 8, 2014**

PLEASE TAKE NOTE that the Mississippi Commission on Environmental Quality ("Commission") is considering to adopt proposed amendments to state air pollution control regulations specifically Mississippi Administrative Code, Title 11, Part 2, Chapter 1, "Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants." The proposed regulation amendments will be applicable statewide.

I. Description of the Proposed Amendments to 11 Miss. Admin. Code, Pt. 2, Ch.1.

1. Amendments to adopt changes to open burning provisions in Rule 1.3.G of 11 Miss. Admin. Code, Pt. 2, Ch.1. A change to the aforementioned regulations is being considered that will allow MDEQ to delegate the regulation of the burning of residential yard waste (leaves, limbs, and other natural vegetative wastes) by individual residential property owners to local governments where the local government has adopted a locally enforceable ordinance that is sufficiently protective of air quality in its jurisdiction. The MDEQ has developed a companion "sample local ordinance" for local governments to consider when seeking this delegation that will also be available to the public for comment. In addition, the rule change creates an "Air Quality Action Day" (to include the current Ozone Action Days) that describes days when air quality data shows that a specific area of the state may be experiencing severely diminished air quality conditions. On these days, all burning of vegetative yard wastes and other types of prescribed open burning that may normally be allowed under regulations will be prohibited.
2. Amendments to adopt, by reference, newly promulgated amendments to Federal New Source Performance Standards, in 40 CFR Part 60, Federal National Emission Standards for Hazardous Air Pollutants in 40 CFR Parts 61 and 63, and Federal Consolidated Air Rules in 40 CFR Part 65. The aforementioned amendments will update the adoption, by reference, provisions in Rule 1.6 and Rule 1.8. of 11 Miss. Admin. Code, Pt. 2., Ch. 1.

II. Manner by Which the Public May Comment.

Copies of the proposed amendments to the referenced regulations and the sample local ordinance may be obtained by contacting Mr. Lorenzo Boddie, Public Records Administrator at (601)961-5758 or by writing to the Mississippi Department of Environmental Quality, P.O. Box 2261, Jackson, Mississippi 39225. For persons with internet access, the proposed regulation amendments and sample ordinance may be found on the Mississippi Department of Environmental Quality's website at <http://www.deq.state.ms.us> under Programs/Air Quality/New Information.

Members of the public may present verbal or written comments during the public hearing described below. Also, any written statements regarding the proposed regulation amendments will be a part of the public hearing record if received by MDEQ by 5:00 p.m., Wednesday, October 8, 2014. Such delivery should be made to the attention of Ms. Maya Rao to the mailing address shown above or to the physical address shown below.

III. Notice of Public Hearing.

The hearing will be held on Wednesday, October 8, 2014, at 3:00 p.m. in the Commission Hearing Room (Room 104A) of the Mississippi Department of Environmental Quality Office Building located at 515 East Amite Street, Jackson, Mississippi 39201.

IV. Additional Information.

For additional information, please contact Ms. Maya Rao at 601-961-5171.